

PTO/SB/25 (09-04)

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**TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)  
HYG005US

Kia Silverbrook, Paul Lapstun

In re Application of:

Application No.: 10/815648

Filed: 2 April 2004

For: Orientation Determination

The owner\*, Silverbrook Research Pty Ltd, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/815648, filed on April 2, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. \_\_\_\_\_

*unr*

Signature

May 25 2006

Date

Kia Silverbrook

Typed or printed name

+61-2-9818 6633  
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Kia Silverbrook, Paul Lapstun

Application No./Patent No.: 10/815648 Filed/Issue Date: 2 April 2004

Entitled: Orientation Determination

Silverbrook Research Pty Ltd, a Private Proprietary Limited Company  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Kia

May 25, 2006

Signature

Date

Kia Silverbrook

+61-2-9818-6633

Printed or Typed Name

Telephone Number

Managing Director

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**ASSIGNMENT OF APPLICATION**Docket Number (Optional)  
HYG005US

Whereas, I, Kia Silverbrook of 393 Darling Street, Balmain, NSW 2041, Australia, hereafter referred to as applicant, have invented certain new and useful improvements in Orientation Determination

for which an application for a United States Patent was filed on \_\_\_\_\_, Application Number \_\_\_\_\_ / \_\_\_\_\_.

for which an application for a United States Patent was executed on March 30, 2004, and

Whereas, SILVERBROOK RESEARCH PTY. LTD. of Balmain, New South Wales, Australia herein referred to "assignee" whose post office address is 393 Darling Street, Balmain, NSW 2041, Australia is desirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of one dollars (\$1.00), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and all countries in the world and transfer unto said assignee the full and exclusive right to the said invention in the United States and the and all countries in the world, entire right, title and interest in and to any and all Patents which may be granted therefor in the United States, I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this 30th day of March, 2004,  
at Balmain, New South Wales, Australia

(Signature)

State of \_\_\_\_\_) SS:

County of \_\_\_\_\_)

Before me personally appeared said \_\_\_\_\_ and acknowledged the foregoing instrument to be his free act and deed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.  
  

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Seal

(Notary Public)

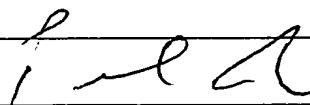
Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks, Washington, DC 20231.

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<b>ASSIGNMENT OF APPLICATION</b>		Docket Number (Optional) HYG005US
<p>Whereas, I, <u>PAUL LAPSTUN</u> of <u>393 Darling Street, Balmain, NSW 2041, Australia</u>, hereafter referred to as applicant, have invented certain new and useful improvements in <u>Orientation Determination</u></p> <p><input type="checkbox"/> for which an application for a United States Patent was filed on _____, Application Number _____/_____.</p> <p><input checked="" type="checkbox"/> for which an application for a United States Patent was executed on <u>March 30, 2004</u>, and</p> <p>Whereas, <u>SILVERBROOK RESEARCH PTY. LTD.</u> of <u>Balmain, New South Wales, Australia</u> herein referred to "assignee" whose post office address is <u>393 Darling Street, Balmain, NSW 2041, Australia</u> is desirous of acquiring the entire right, title and interest in the same;</p> <p>Now, therefore, in consideration of the sum of <u>one</u> dollars (<u>\$1.00</u>), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and all countries in the world and all countries in the world entire right, title and interest in and to any and all Patents which may be granted therefor in the United States; I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.</p> <p>Executed this <u>30th</u> day of <u>March</u>, <u>2004</u>, at <u>Balmain, New South Wales, Australia</u>.</p> <p> (Signature)</p> <p>State of _____ SS: _____ County of _____ Before me personally appeared said _____ and acknowledged the foregoing instrument to be his free act and deed this _____ day of _____, 19 _____. _____ (Notary Public)</p>		

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks, Washington, DC 20231.